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Holland's increasing strength, which surprised contemporary spectators and later students, and the causes of it, are better known. "The days of Maurice and Oldenbarnevelt" is the prelude to one of the most terrific political duels in modern history. The "minute details" concerning the alliances of England and France, Leicester, whose character is a puzzle, and the splendid conquests of navigation, are probably not too voluminous. Literary proportions are carefully studied and comparatively little is said of battles and campaigns. Good use has been made of the rather abundant writings of the English captains who served in the Low Countries. Throughout Dr. Blok combines happily, we think, the functions of a cool critic and impartial judge with those of an interesting story-teller. We shall look for future volumes with interest.

WM. ELLIOT GRIFFIS.

*Select Cases from the Coroners' Rolls*, A.D. 1265-1413, with a brief Account of the History of the Office of Coroner. Edited for the Selden Society, by CHARLES GROSS, Ph.D., Assistant Professor of History, Harvard University. (London: Bernard Quaritch. 1896. Pp. xlv, dbl. pp. 159.)

FOR the student of English institutional history none of the eight preceding volumes published by the Selden Society is perhaps so valuable as Professor Gross's *Coroners' Rolls*. In a narrower field he has here accomplished what he did for scholarship in his epoch-making book on the *Merchant Gild*. It is hardly too much to say that he has fairly rescued the office of mediæval coroner from the obscurity in which even the ablest of our constitutional writers have left it. For the first time we are able to see somewhat clearly how really important was the office of the elective magistrate as compared with that of the king's sheriff, by which hitherto it has been quite overshadowed.

The historical account is a fine piece of special research. The leading writers, including Mr. Maitland and Bishop Stubbs, have sought the origin of the coroner's office in the articles of the eyre of 1194, requiring that in every county three knights and a clerk shall be chosen as *custodes* or keepers of the crown pleas. But Dr. Gross finds in the municipal charters, Pipe Rolls, Curia Regis Rolls, and other documents, evidence which seems to show that both borough and county coroner existed before this date, at any rate as early as the reign of Henry I. The office was thus developed side by side with that of the itinerant justices, both becoming "firmly established under Henry II." These early coroners not only kept but also held pleas of the crown; and it is strongly argued against Professor Maitland that they continued to exercise both functions until 1215, when by c. 24 of the Great Charter the coroner, like "other bailiffs," was forbidden to hold *placita coronæ*. Even later than 1215, he could "pass judgment on felons caught in the act," and conduct "jury trials in ordinary civil pleas, either taking the place of the sheriff or, more commonly, associated with him."

The functions of the coroner were manifold. Aside from the inquests in cases of violent or accidental death, he heard the "appeals," or "criminal accusations, brought by one person against another, the final trial being reserved for the eyre"; made a record of exigents and outlawry; and received the confession of criminals who turned "approvers" or informers. Thus (p. 128) in February, 1292, Richard of Scot Willoughby "came before the coroner and sheriffs of London . . . and confessed that he was a thief, and he appeals William Bishop and Richard Fewyth who live at Titchmarsh near Thrapston in the county of Northampton, and Roger Leney of Warden in the county of Bedford, of having participated in robbing two merchants of forty marks near Bath, and in killing them, as they were coming from the Winchester fair." So also when a felon fled to sanctuary his confession and abjuration of the realm were received by the coroner. For example (p. 68) on March 10, 1324, "Richard Lubbe of the castle of Eye in the county of Suffock took refuge in the chapel of St. Thomas the Martyr in Oundle . . . and confessed before Henry of Titchmarsh and four neighboring townships . . . that he was a thief, and had stolen a mare at Toseland in Huntingdonshire . . .; and he abjured the realm of England on the following Wednesday," the port of Bristol being "assigned to him."

Other functions show that the coroner was the complement of the sheriff, taking about as important a part as the latter in the judicial and administrative business of the shire. In civil pleas, as we have seen, he took the place of the sheriff, or acted with him; and in the county court his "position and activity were not much inferior." The coroner alone or with the sheriff "sometimes convened the hundred for judicial business, and even held the sheriff's tourn"; and the two magistrates were associated in other duties, such as the attachment of persons "breaking the assizes of bread and beer and measures." In default of a sheriff, or if the latter were a party to a suit, the coroner took his place. In short, Professor Gross has established more clearly than ever before that the coroners were intended to act as a check upon the sheriff. "In criminal matters their rolls had more authority than his," and as the power of the latter decreased, that of the former grew in importance. The coroner was at once the agent of the crown and the representative of the people. His dual position was the result of sound policy. By giving him power at the expense of the sheriff, and placing his "election in the hands of the people, the king diminished their grievances and at the same time made them responsible for the proper exercise of this office."

By far the greatest space in these rolls is taken up by the ordinary inquests on the bodies of the dead. Incidentally much light is thrown by them on social, legal, and constitutional questions. One is impressed, for instance, by the number of inquests in cases of death in prison from hunger, cold, and thirst, or on the bodies of those drowned by accident in wells and ditches, or slain while defending their houses against house-breakers, sometimes in open day. At the inquests deodands were appraised

and Englishry was presented. It is noteworthy that this custom appears in the rolls, even in the case of death by accident, as late as 1332 (p. 82). The purpose of its retention was probably the murder-fine which the hundred had to pay to the king if Englishry were not proved. Bishop Stubbs is scarcely exact, therefore, when he declares (*Const. Hist.*, I. 589) that, in the period between Stephen and Magna Charta, presentment of Englishry "loses what significance it ever had."

But it is for the history of trial by jury that the inquests are most instructive. The coroner's jury was not always constituted in the same way, and its procedure in finding a verdict varied. Usually it was composed of twelve *juratores*, drawn probably from the whole hundred, and of the "reeve and four men" from each of the four neighboring vills or townships, including the one in which the death occurred or the body was found. In the normal case, therefore, the entire jury comprehended thirty-two men. But the "four vills and the twelve men seem often to be regarded as two distinct bodies; their verdicts may be given separately. Then, again, each vill may make its own statement; or the vills may find a verdict, collectively and severally." But sometimes the four vills alone or the twelve *juratores* alone formed the jury. Now, in those cases where two distinct bodies gave separate verdicts a relation is established between them which may well have suggested that existing between the jury of presentment and the petty jury which made its appearance sometime after the abolition of the ordeal *ca.* 1219. It is possible, in fact, that in the four vills of the coroner's inquest, we have the model for the later petty jury. For at the eyre in the days of Henry III., notably in trying appeals of felony, the verdict of the twelve *juratores* of the hundred, who had both presented and tried the accused, was submitted to the four neighboring vills. "If they agree with the hundredors, sentence is passed." By the time of Edward I., according to Pollock and Maitland, "the practice of swearing in these villagers seems to be abandoned as the accused acquires his right to a second jury of free and lawful men." Moreover, the theory that the action of the vills at the eyre is the prototype of the petty jury becomes more plausible when it is considered that these may often have been the same four townships which, in a manner, had traversed the verdict of the twelve men of the hundred at the coroner's inquest. Another point is of interest. The four neighborhoods are sometimes found at the eyre aiding the presenting *juratores* by their testimony, "seemingly when the latter were in doubt or when the court deemed it expedient that they should be afforded." Is it rash to suggest that this procedure may have been one of the influences which led to the separation of the witnesses from the judges of evidence, an event of so great importance in the evolution of trial by jury?

The coroner's office, it is strongly urged, was the link which bound together the central and local governments; and it had a decisive influence on the principle of representation. Many boroughs had coroners of their own, from one to four being elected for each town by the "civil com-

munity." Rarely were the lords of manors allowed to appoint them. In each shire from two to four coroners were elected for life in full county court, and in the thirteenth century these were "knights." Here is discovered the "mould" or "prototype" of parliamentary representation; "the exact counterpart of the knights of the shire, who in the reign of Henry III. were two or four in number, and were chosen in the county court."

The editorial work is thorough and helpful at every point; and Dr. Gross's book will be heartily welcomed by every student of the English law and constitution.

GEORGE E. HOWARD.

*Introduction à l'Histoire de l'Asie. Turcs et Mongols, des Origines à 1405.* Par LÉON CAHUN. (Paris: Armand Colin et Cie. 1896. Pp. xii, 519.)

THOUGH we have long been in possession of voluminous and learned histories of the Turks and Mongols,—translations of works of Oriental writers or compilations by various European scholars, among whom I will only mention De Guignes, I. J. Schmidt, Baron d'Ohsson, Sir Henry Howorth, and, quite recently, Dr. H. Huth and E. H. Parker,<sup>1</sup>—the present volume of Mr. Léon Cahun will be read with great pleasure, not only by those interested in the special subject of which it treats, but also by all philosophical readers who seek in the narrations of history the solution of the great laws governing the growth and decay of nations.

The scope and purpose of Mr. Cahun's work are best shown in his own words in the preface of his book (p. ix):—

"Until science and method," he says, "supplanted faith and brute force, the Turks and Mongols dominated Asia and eastern Europe; religious enthusiasm played hardly any part in their wonderful fortune. At the time of their greatest power, their typical empire, that of the Mongols, had no well-defined religion. But all that could be done with the sword the Turks and Mongols accomplished. In them is incarnated the military spirit; their virtues are those of true warriors, courage, obedience, straightforwardness, good sense; they have been careful governors, firm administrators; far from scorning art and science, they have done homage to intellectual processes; they have endeavored to adopt them, to make them natural to themselves. But the mould of their original thought was too narrow and misshapen to contain and transform the civilization of Persia or China; confined to such a mould, it burst it asunder and lost every trace of the form which the natural correctness and clearness of view that characterized the Turk had sought to impart

<sup>1</sup> It is to be regretted that Mr. Cahun has not been able to avail himself of the *Tarikh-i-Rashidi* of Mirza Haidar, a work of great value on this subject, especially in the recent translation of E. D. Ross, and that he has also overlooked a most valuable study by E. E. Oliver, entitled "The Chaghatai Mughals," published in the *Journ. Roy. Asiatic Soc.*, n. s., XX, 72-128.